

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KENNETH PESNELL,

Plaintiff,

-v-

VIACOM INTERNATIONAL, INC. and  
SPHERION, INC.

Defendants.

-and-

VIACOM INTERNATIONAL, INC.,

Defendant/Third-party plaintiff,

-v-

EN POINTE TECHNOLOGIES SALES, INC.,

Third-party Defendant.

**ECF CASE**

Case No: 07-CV-9523 (RMB)

**MOTION TO STRIKE THIRD-PARTY  
COMPLAINT**

The plaintiff, pursuant to Rule 14 (a)(4), respectfully moves the Court to strike Defendant Viacom's Third-party complaint because binding precedent from the Supreme Court and this Circuit bars a Title VII defendant from asserting a claim for indemnification or contribution.

A memorandum of law in support of this motion has been contemporaneously filed with the court.

Dated: New York, New York  
May 12, 2008

Respectfully submitted,

By: 

LOCKSLEY O. WADE, ESQ.

LAW OFFICE OF LOCKSLEY O. WADE, LLC

110 Wall Street, 11th Floor

New York, NY 10005

(212) 933-9180 - Telephone

(212) 253-4142 - Facsimile

lwade@lwade-law.com

*Attorney for Plaintiff*

To: Michele Ann Coyne, Esq.  
Roy P. Salins, Esq.  
Kauff McClain & McGuire LLP  
950 Third Avenue, 14th Floor  
New York, NY 10022  
*Attorneys for Viacom International, Inc.*

Donia Sawwan, Esq.  
Dominick Bratti, Esq.  
Fox Rothschild LLP  
100 Park Avenue  
New York, NY 10017  
*Attorneys for Spherion, Inc.*

Solomon J. Jaskiel, Esq.  
275 Madison Avenue, 11th Floor  
New York, NY 10016  
*Attorney for En Pointe Tech. Sales, Inc.*